

and is known and loved by the great citizenship of the State of Texas; therefore, be it

Resolved, That the Senate of Texas, acting in its own behalf, and in behalf of the many who have been served and helped by Governor Barry Miller, pass this resolution offering sympathy to him in his misfortune, and that this Senate at this time request the Secretary to send Governor Miller an appropriate tribute of flowers in behalf of the Senate, and with that token express our sympathy and tender him our assistance.

COUSINS,	COLLIE,
BECK,	DeBERRY,
BLACKERT,	DUGGAN,
FELLBAUM,	POAGE,
GREER,	PURL,
HOLBROOK,	RAWLINGS,
HOPKINS,	REDDITT,
HORNSBY,	REGAN,
MARTIN,	RUSSEK,
MOORE,	SANDERFORD,
MURPHY,	SMALL,
NEAL,	STONE,
ONEAL,	WOODRUFF,
PACE,	WOODUL,
PARR,	WOODWARD.
PATTON,	

Read and adopted.

Recess.

Senator DeBerry moved to recess until 2 o'clock p. m.

Senator Purl moved to recess until Monday morning at 10 o'clock.

The motion prevailed and at 12:14 o'clock p. m. the Senate recessed.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, April 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 477, A bill to entitled "An Act abolishing the Potter County Court at Law."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

FIFTY-FOURTH DAY (Continued).

Senate Chamber,
Austin, Texas,
April 3, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bills and resolution:

H. C. R. No. 57 S. B. No. 489
H. B. No. 482

Senators Excused.

On motion of Senator Parr, Senators Oneal and Woodul were excused for the day on account of important business.

Special Order Set.

On motion of Senator Blackert, S. B. No. 50 was set as special order Friday morning immediately following the morning call.

Senate Bill No. 96.

The question recurred upon S. B. No. 96 (Departmental appropriations).

Senator Purl called up from the Journal the motion to reconsider the vote by which his amendment (relative to State Tax Board) was lost Saturday. The motion prevailed.

The amendment was adopted by the following vote:

Yeas—20.

Beck.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Fellbaum.	Regan.
Hopkins.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodward.

Nays—9.

Blackert.	DeBerry.
Collie.	Greer.

Holbrook.
Hornsby.
Poage.

Rawlings.
Redditt.

Absent—Excused.

Oneal.

Woodul.

Senator Stone sent up the following amendment:

Amend Committee Substitute for S. B. No. 96, page 46, lines 18, 19 and 20, by striking out the following:

"Provided, this provision shall not apply to members of boards and commissions who do not receive an annual or monthly salary from the State."

And insert in lieu thereof the following:

"Provided, this paragraph shall not apply to members of boards and/or commissions nor to any other agency of the State Government who do not receive a monthly or annual salary from the State nor shall this paragraph apply to the department head or any executive officer or the head of any division or agency of the State Government."

STONE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed.

Senator Blackert called up from the Journal the motion to reconsider the vote by which the amendment (by Senator Small) reducing number of State Rangers, was adopted. The motion prevailed by the following vote:

Yeas—18.

Beck.
Blackert.
Cousins.
Fellbaum.
Greer.
Hopkins.
Hornsby.
Martin.
Moore.

Murphy.
Neal.
Pace.
Patton.
Poage.
Redditt.
Russek.
Sanderford.
Stone.

Nays—10.

Collie.
DeBerry.
Duggan.
Holbrook.
Parr.

Purl.
Rawlings.
Regan.
Small.
Woodruff.

Absent.

Woodward.

Absent—Excused.

Oneal.

Woodul.

The amendment was lost by the following vote:

Yeas—10.

Collie.
DeBerry.
Duggan.
Holbrook.
Murphy.

Purl.
Rawlings.
Redditt.
Regan.
Small.

Nays—18.

Beck.
Blackert.
Cousins.
Fellbaum.
Greer.
Hopkins.
Hornsby.
Martin.
Moore.

Neal.
Pace.
Parr.
Patton.
Poage.
Russek.
Sanderford.
Stone.
Woodruff.

Absent.

Woodward.

Absent—Excused.

Oneal.

Woodul.

Senator Moore sent up the following amendment:

Amend S. B. No. 96, page 2, by striking out lines 31 to 38, inclusive, and insert in lieu thereof the following:

"Provided, however, that no part of this fund shall be expended for armory rentals under contracts in existence at time of passage of this Act unless there has been a reduction of rental charges of at least thirty-three and one-third (33 1/3%) per cent over contracts that prevailed during the biennium of 1931-1933. Provided, further, that armory rentals shall be a first charge against this appropriation, and no payments shall be made for any other purpose which would prevent the payment of such rentals, as the same shall accrue."

MOORE.

Read and adopted.

Senator Moore sent up the following amendment:

Amend as amended by the Moore amendment, at the end of line 38, the following:

"It is especially provided herein that no part of the fund herein appropriated shall be expended for payment of salaries to anyone in excess of \$150.00 per month."

MOORE.

The amendment was read.

Senator Beck sent up the following substitute for the amendment:

Amount Paid for each Fiscal Year.	Amount of Reduction.
\$ 1.00 to \$1,200.00	10 per cent.
\$1,201.00 to \$3,000.00	15 per cent. (with minimum amount to be \$1,092.00)
\$3,001.00 to \$5,000.00	20 per cent. (with minimum amount to be \$2,580.00)
\$5,001.00 or more	25 per cent. (with minimum amount to be \$4,050.00)

BECK.

The substitute was read.

S. B. No. 483 Re-committed.

On motion of Senator Parr, S. B. No. 483 was re-committed to the Committee on Mining, Irrigation, and Drainage.

Recess.

On motion of Senator Greer, the Senate, at 12:02 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Motion to Concur.

On motion of Senator Sanderford, the Senate concurred in the House amendment to S. B. No. 489 by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.
Neal.	

Add to the Moore amendment No. 5:

Provided that all salaries paid out of this appropriation shall be reduced below the amounts paid for the fiscal years ending August 31, 1932, and August 31, 1933, according to the following schedule of reductions:

Absent—Excused.

Oneal.

Woodul.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, April 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 489, A bill to be entitled "An Act to stay all sales under execution, or order of sale or under any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt now advertised to be made on April 4, 1933, or which was advertised for sale on March 7, 1933, but which sale was stayed and postponed for a period of four weeks by Senate Bill No. 418, passed at the Regular Session of the Forty-third Legislature, until the first Tuesday in May, 1933; etc., and declaring an emergency." (With amendments.)

S. B. No. 262, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before February 1, 1931, due the State, any county, special school district, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State. Also cities, towns, and villages, provided said taxes are paid on or before September 1, 1933;

and for the purposes of releasing the interest and penalties on all ad valorem and poll taxes that became delinquent after February 1, 1931, and prior to September 1, 1933, due the State, any county, special school district, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State. Also cities, towns and villages, provided said taxes are paid on or before December 1, 1933; and providing further, that the provisions of this Act releasing interest and penalties shall not apply to cities, towns, and villages unless and until the governing body thereof finds that unusual or excessive defaults in the payment of taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body by resolution, or ordinance, evidencing such finding and recording the same shall have the authority to put in force and effect the provisions hereof as to such cities, towns, and villages; suspending all laws and parts of laws in conflict herewith during the terms this Act is in force; and providing further that, if any section, clause, sentence, paragraph, or part of the Act is adjudged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Act; stating the policy of the Legislature, and declaring an emergency, and providing that this Act shall take effect and be in force from and after its passage."

(With amendments.)

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 263.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senator Redditt:

S. B. No. 263, A bill to be entitled "An Act authorizing the State Forester under the general supervision of the Board of Directors of the Agricultural and Mechanical College to cooperate and execute agreements with the Federal Forest Serv-

ice, other Federal agencies and timberland owners, involving cooperative forest protection and development projects when such action is required by Federal statute or policy and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 263 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Murphy.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Oneal.	Woodul.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Oneal.	Woodul.
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Senate Bill No. 96.

The question recurred upon the pending substitute by Senator Beck for the amendment to S. B. No. 96.

By unanimous consent, Senator Blackert moved to reconsider the vote by which the amendment (by Senator Small) reducing the appropriation for auto upkeep and transportation for State Rangers was adopted. The motion prevailed.

The amendment was lost.

The question recurred upon the pending substitute by Senator Beck for the amendment (by Senator Moore).

Senator Beck withdrew the substitute.

Senator Moore withdrew his amendment.

Senator Moore moved that the Chairman of the Finance Committee request the Adjutant General to send to the Senate an itemization of salaries and a suggested budget for the next biennium under item 12 of the Adjutant General's Department. The motion prevailed.

Senator Collie sent up the following amendment:

Amend S. B. No. 96, line 60, Section 19, by striking out "Market news specialist \$1500.00."

COLLIE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—18.

Blackert.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Pace.	Woodward.

Nays—5.

Collie.	Poage.
DeBerry.	Rawlings.
Murphy.	

Absent.

Beck.	Neal.
Hopkins.	Russek.
Martin.	Small.

Absent—Excused.

Oneal.	Woodul.
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Senator Sanderford sent up the following amendment:

Amend C. S. S. B. No. 96, page 3, line 33, by adding thereto the following:

"Two inspectors for testing butter fat in milk and testing water, light, and gas meters, none to exceed \$130.00 per month."

And further amend the bill, page 10, line 20, item 55, by changing the figure (9) to (7) and by changing the amounts for each year to \$10,710.00 for each year.

SANDERFORD.

The amendment was read and adopted.

Senator Collie asked to be recorded as voting "Nay."

Senator Martin sent up the following amendment:

Amend S. B. No. 96, page 3, line 44, by adding the following:

Salary of Cooperative Dam Builder, \$2400.00, \$2400.00.

Provided the salary of said Cooperative Dam Builder herein specified shall be paid out of any local funds collected by and available for the operation of the department.

**MARTIN,
MOORE.**

Read and adopted by the following vote:

Yeas—18.

Blackert.	Parr.
Cousins.	Patton.
Fellbaum.	Purl.
Greer.	Rawlings.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Neal.	Woodward.

Nays—7.

Collie.	Poage.
DeBerry.	Redditt.
Holbrook.	Woodruff.
Murphy.	

Absent.

Beck.	Pace.
Duggan.	Small.

Absent—Excused.

Oneal.	Woodul.
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Senator Woodruff sent up the following amendment:

Amend Martin Amendment to C. S. S. B. No. 96 by striking out the figures "\$2400.00" wherever they appear and inserting in lieu thereof the figures "\$1800.00."

WOODRUFF.

Read and adopted.

Senator Moore sent up the following amendment:

Amend C. S. S. B. No. 96 by adding at the end of line 53, page 4, the following: Provided that no part of the funds herein appropriated, whether special funds, local funds, general revenue funds or other funds, and regardless of whatever purpose the funds are appropriated for, shall be used directly or indirectly to pay traveling or other expenses for any officer or employee of the Department of Agriculture when traveling outside the State of Texas.

MOORE,
PURL.

Read and adopted.

Senator Woodruff sent up the following amendment:

Amend committee substitute to S. B. No. 96, page 20, by striking out lines 41-45, inclusive, and inserting in lieu thereof the following:

"1. Per diem and expense members Board of Education and actual and necessary clerical help, supplies and material, out of the General Revenue, \$20,000.00, \$20,000.00."

WOODRUFF.

The amendment was read.

Senator Greer sent up the following amendment to the amendment:

Amend the amendment by striking out \$20,000.00 for each year of the biennium and inserting in lieu thereof the words and figures \$10,000 for each year of the biennium.

GREER.

Read and lost.

The amendment was lost.

Senator Russek sent up the following amendment:

Amend C. S. S. B. No. 96 by striking out of the printed bill on page 23, lines 47, 48, 49, 50, 51, 52, 53, and 54 and inserting in lieu thereof the following:

"Six Game and Fish Wardens,

(lakes) none exceeding \$125.00 each per month and expenses.

"Not more than ten game and fish wardens at a maximum salary of \$150.00 each per month and expenses.

"Not more than fifty game and fish wardens at a maximum salary of \$125.00 each per month and expenses.

"Not more than fifty game and fish wardens at a maximum salary of \$100.00 each per month and expenses."

RUSSEK.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed.

Senator Russek sent up the following amendment:

Amend C. S. S. B. No. 96, line 41 of page 23 of the printed bill by striking out of said line 41 the figures \$1,080.00 in both years and inserting in lieu thereof the figures \$1,200.00 for each year.

RUSSEK.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed.

Senator Redditt sent up the following amendment:

Amend C. S. S. B. No. 96, page 25, by striking out the entire paragraph from lines 47 to 62 inclusive.

REDDITT	SMALL
REGAN	WOODWARD
PATTON	PACE
BLACKERT	RUSSEK
ONEAL	SANDERFORD
STONE	PARR
COUSINS	

Read and adopted.

Senator Regan sent up the following amendment:

Amend S. B. No. 96 on page 33, line 41, item 22, to increase the appropriation for predatory animal control from forty-five thousand dollars (\$45,000.00) to sixty thousand dollars (\$60,000.00).

REGAN.

The amendment was read.

Senator Purl sent up the following amendment to the amendment: Strike out "\$60,000 each year"

and insert "\$55,000" in first column;
"\$45,000," second column.

PURL.

The amendment to the amendment
was read.

Senator Parr moved to table the
amendment to the amendment. The
motion prevailed.

Senator Purl sent up the follow-
ing amendment to the amendment:

Strike out "60,000" and insert
"50,000."

PURL.

The amendment to the amendment
was read and lost by the following
vote:

Yeas—6.

Collie.	Hornsby.
DeBerry.	Poage.
Holbrook.	Purl.

Nays—21.

Beck.	Patton.
Blackert.	Rawlings.
Cousins.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Pace.	Woodward.
Parr.	

Absent.

Hopkins.	Neal.
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Absent—Excused.

Oneal.	Woodul.
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Senator Holbrook moved to table
the amendment (by Senator Regan).
The motion was lost by the following
vote:

Yeas—8.

Collie.	Martin.
DeBerry.	Murphy.
Holbrook.	Poage.
Hornsby.	Purl.

Nays—19.

Beck.	Rawlings.
Blackert.	Redditt.
Cousins.	Regan.
Duggan.	Russek.
Fellbaum.	Sanderford.
Greer.	Small.
Moore.	Stone.
Pace.	Woodruff.
Parr.	Woodward.
Patton.	

Absent.

Hopkins.	Neal.
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Absent—Excused.

Oneal.	Woodul.
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Senator Purl sent up the follow-
ing amendment to the amendment:

Strike out "\$60,000" and insert
"\$55,000," each column.

PURL.

Read and lost by the following
vote:

Yeas—10.

Collie.	Neal.
DeBerry.	Poage.
Holbrook.	Purl.
Hornsby.	Sanderford.
Martin.	Woodruff.

Nays—18.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Moore.	Small.
Murphy.	Stone.
Pace.	Woodward.

Absent.

Hopkins.

Absent—Excused.

Oneal.	Woodul.
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The amendment (by Senator Re-
gan) was adopted by the following
vote:

Yeas—21.

Beck.	Patton.
Blackert.	Rawlings.
Cousins.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Pace.	Woodward.
Parr.	

Nays—7.

Collie.	Murphy.
DeBerry.	Poage.
Holbrook.	Purl.
Hornsby.	

Absent.

Hopkins.

Absent—Excused.

Oneal.

Woodul.

Senator Moore sent up the following amendment:

Amend Substitute to S. B. No. 96 by striking out line 49 on page 36.

MOORE.

Read and adopted.

Senator Murphy sent up the following amendment:

Amend Committee Substitute for S. B. No. 96 by striking out lines 38 to 64, inclusive, of page 39 and lines 1 to 11, inclusive, of page 40 thereof, and thereby eliminate an appropriation of \$67,235.00 for the State Reclamation Department for the years 1934 and 1935.

MURPHY,
DeBERRY,
COLLIE.

The amendment was read.

Executive Session Set.

On motion of Senator Martin, the Senate voted to go into executive session tomorrow morning at 11:30.

Recess.

Senator Hopkins moved to recess until 10 o'clock tomorrow morning.

Senator Moore moved to recess until 8 o'clock tonight.

The motion to recess until 10 o'clock tomorrow morning prevailed and at 6:08 o'clock p. m., the Senate recessed.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, April 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled bills, have had S. B. No. 489 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, April 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 263 carefully examined and com-

pared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, April 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 490, A bill to be entitled "An Act making an appropriation to pay the interest on the public debt of the State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, April 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 483, A bill to be entitled "An Act providing for the creation of water supply districts pursuant to Section 59, Article 16 of the Constitution; providing they shall be governmental agencies, free from taxation; prescribing the method of their creation, including petition, optional election, notice, a hearing and administrative finding; defining powers of such districts, including the power to contract, eminent domain; sue and be sued; employ necessary employees; providing such districts shall have no power to tax or levy assessments; providing for governing body, election of directors, qualifications, compensation, oath and bond; prescribing their powers to borrow money, issue bonds, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COUSINS, Chairman.

Committee Room,

Austin, Texas, April 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was re-referred

S. B. No. 483, A bill to be entitled "An Act providing for the creation of water supply districts pursuant to Section 59, Article 16 of the Constitution; providing they shall be governmental agencies, free from taxation; prescribing the method of their creation, including petition, optional election, notice, a hearing and administrative finding; defining powers of such districts, including the power to contract; eminent domain; sue and be sued; employ necessary employees; providing such districts shall have no power to tax or levy assessments; providing for governing body, election of directors, qualifications, compensation, oath and bond; prescribing their power to borrow money, issue bonds, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute pass in lieu thereof and be printed.

COUSINS, Chairman.

Committee Substitute.

Amend S. B. No. 483 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act providing for the creation of water supply districts, providing they shall be governmental agencies, free from taxation; prescribing the method of their creation, including petition, optional election, notice, a hearing and administrative finding; providing for the annexation of territory; defining the powers of such districts, including the power to contract; eminent domain; sue and be sued; employ all necessary employees; providing such districts shall have no power to tax; providing for the governing body, the election of directors, their qualifications, compensation, oath and bond and the organization of the board of directors; prescribing their power to borrow money, issue bonds, etc., and pledge only the physical properties, rents and revenues to secure them; providing said districts shall be self liquidating in character; providing plans shall be submitted to Board of Water Engineers; provid-

ing same shall not affect water rights or priorities; providing if any part of this Act shall be held unconstitutional it will not affect the remainder of the Act; and declaring an emergency."

Amend S. B. No. 483 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Water Supply Districts—As Governmental Agencies. There may be created within this State districts to be known as water supply districts, for the purpose of conserving, diverting and transporting and distributing water from lakes, pools, reservoirs, wells, springs, creeks, rivers and streams for irrigation, stock raising, domestic and commercial purposes, and the development and sale of hydroelectric power. Said districts shall be governmental agencies and bodies politic and corporate with such powers of government and with the authority to exercise such rights, privileges and functions concerning the subject matter hereof as provided herein. Such districts, when so created, shall be free from all forms of taxation.

Sec. 2. Petition. When two or more water improvement districts and/or water control and improvement districts, and/or irrigation districts in this State which have the right to divert water from a common source of supply desire to avail themselves of the provisions of this Act, they shall petition the county commissioners court of the county containing the largest acreage of the lands embraced within the boundaries of the proposed water supply district. Said petition shall be in writing and shall be signed by four-fifths of the directors of each of said petitioning districts and shall set forth the boundaries of such proposed water supply district; the general nature of the work proposed to be done; the necessity therefor and the feasibility thereof, and shall designate a name therefor, which shall include the name of the county or counties in which same is situated, the term "Water Supply District" and the number in the order of its organization.

Sec. 3. Before such petition shall be presented to the county commis-

sioners court, each district signing same shall give notice of the intention to present said petition by posting copies of said petition, with the words: "Notice of intention to petition for the establishment of a water supply district" written or printed at the top thereof, at the county court house door of the county in which said petition is to be presented and in three public places in each of said petitioning districts, one of which shall be at the door of the main office where taxes and water rentals are paid to such districts and all of which shall be posted for at least twenty days before said petition shall be acted upon by the county commissioners' court.

If qualified voters of any such petitioning district in the number of 5 per cent of the voters voting at the last general election for directors of same shall sign and acknowledge a petition in writing to the Board of Directors of any such petitioning district protesting the filing of such petition and shall file one copy with the Board of Directors of such district and one copy with the county commissioners court within twenty days after the posting of such notices, to which said petition is to be presented, then said petition shall not be acted upon by said county commissioners court until each district in which such protesting petition shall be presented shall hold an election. And such election shall be held within thirty days from the presentation of such protesting petition, after notice shall have been given of such election for ten days by posting in three public places in said district, one of which shall be at the office of said district as hereinbefore provided, and at said election only resident qualified property taxpayers residing in said district shall have a right to vote and they shall have written or printed upon their ballots "For the water supply district" or "Against the water supply district." The Board of Directors of such petitioning district when such election is held, shall, as soon as practicable, meet and canvass the returns of such election and if a majority of the qualified voters voting at said election favor the water supply district, it shall be the duty of the Board of Directors to immediately present

such petition to the commissioners court, together with a certificate of the official returns of said election. Such election shall be held in conformity with the general election laws, except as herein otherwise provided. The secretary of the Board of Directors in any such district shall prepare and post all notices herein provided for and shall prepare the ballots for such election and his affidavit concerning the same shall be prima facie evidence of the facts therein contained.

Sec. 4. Notice of Hearing. Said commissioners court, or the county judge if said court be not in session, shall forthwith fix a time and place at which the petition shall be heard by the court, not less than fifteen nor more than thirty days thereafter, and shall direct the county clerk as ex-officio clerk of said court, to issue notice of such time and place of hearing. Such notice shall inform all persons of their right to appear and advocate or contest the form and allegations of said petition, the necessity and feasibility of such project, the benefits to accrue and the boundaries of such proposed district; which notice may be delivered to any adult who is willing to execute the same by posting as herein directed.

Section 5. Posting Notice. Upon receipt of the notice such person or persons receiving same shall post a copy thereof at the door of the court house of said county and a copy at four different public places within such proposed district. Such posting shall be made for not less than ten days prior to the date fixed for the hearing. The person or persons so posting shall make affidavit, before some officer authorized by law to administer oaths, of their act in respect to such posting and such affidavit shall be prima facie evidence of the facts sworn to.

Sec. 6. Hearing. Upon the date set for the hearing of said petition any person who may be affected thereby may appear before said commissioners court and contest the creation of said district or contend for the creation of said district, may offer testimony in favor of or against the boundaries of said district, the necessity and feasibility of such project, the benefits to accrue, or as to any other matter pertaining

to the proposed district. Said county commissioners court shall have exclusive jurisdiction to hear and determine all contests and objections to the creation of such district; and all matters pertaining to the creation and establishment of same, and may adjourn the hearing on any matter connected therewith from day to day; and all judgments rendered by said court in relation thereto shall be final, except as herein otherwise provided.

Sec. 7. Findings. If upon the hearing of such petition it be found by the court that the petition conforms to the requirements of this Act and that the proposed project is feasible and practicable and shall constitute a benefit to such proposed district, the lands therein and the inhabitants thereof, it shall so find and cause its findings establishing such district and defining the boundaries thereof to be entered of record in the minutes of the court, otherwise it shall dismiss the petition at the cost of petitioners; but such adverse finding shall not preclude such petitioners from again petitioning said court for the establishment of such district. Upon the entry of the order of the county commissioners court establishing such district the same shall be constituted a water supply district with all the powers and privileges provided for in the Act.

Sec. 8. Annexation of Territory. If such water supply district and any water control and improvement district or water improvement district, or irrigation district having a right to obtain water from the source of supply from which such water supply district obtains water, desire that such additional district or territory be annexed to such water supply district, they shall execute their petition in writing signed by four-fifths of the directors of such water supply district and of the district seeking annexation containing the requirements of the original petition to the county commissioners court set out herein, whereupon the county commissioners court shall set same down for hearing, give notice and conduct a hearing as herein provided for in the original organization of the district and if said county commissioners court shall find the facts herein provided to be

found in case of the original establishment of the district, it shall enter its findings of record in the minutes of the court and order the annexation of said territory to the district and redefine the boundaries thereof. From and after the entry of such order of annexation the territory so annexed shall become a part of the water supply district the same as if originally included therein.

Sec. 9. Powers of the District. Water supply districts created under the provisions of this Act shall have the following powers:

(a) To purchase and/or construct all works necessary or convenient for the exercise of the powers granted in Section 1 of this Act.

(b) The right of eminent domain is expressly conferred upon such water supply districts to enable them to acquire the fee simple title, easement or right-of-way over and through any and all lands, water or lands under water, private or public, within and without such districts, necessary or convenient to carry out any of the purposes and powers conferred upon such districts by this Act; provided, that such districts shall not have the power to condemn land used for parks, cemeteries, drain ditches, canals and other works in actual use for irrigating lands, except that the right to cross such canals and drain ditches in a manner not to unreasonably interfere with them, may be condemned. All such condemnation proceedings shall be under the direction of the directors and in the name of the water supply district, and the assessment of damages and all procedure with reference to condemnation, appeal and payment shall be in conformity with the statutes of this state as provided in the title of the Revised Statutes relating to "Eminent Domain."

(c) Such water supply districts may enter into contracts with member districts, other water improvement districts, water control and improvement districts, irrigation districts, private irrigation corporations, cities, towns, industrial plants and any other persons, real or artificial, who may have a right to obtain water from the source of supply of the water supply district to furnish water from such source of supply to such water user under such terms

and conditions as may be agreed upon between the water supply district and such water user, which contracts shall be in writing and copies of which shall be kept on file at the office of the water supply district and recorded in the minutes of the Board of Directors of such water supply district.

(d) Such water supply districts through governing boards shall have the right to employ managers, engineers, attorneys, and all necessary employees to properly construct, operate and maintain said works of districts and carry out the provisions of this Act and to pay reasonable compensation for such services.

(e) Such water supply districts, in addition to the powers hereinabove set out shall have general power to make all contracts necessary or convenient to carry out any of the powers granted in this Act, which contracts may be entered into with any person, real or artificial, any corporation, municipal, public or private, and/or any government or governmental agency, including the United States Government and the State of Texas, but no member district shall ever be held liable on any contract of such water supply district not actually entered into by that member district.

(f) Such water supply districts shall have the right to sue and be sued; provided that no member district shall ever become liable for any indebtedness of such water supply district and shall never be held liable for its torts or the negligence of any director or other officer, agent, servant or employee of such water supply district.

(g) Such water supply districts shall have no power to levy any tax or involuntary assessment against any real or personal property.

(h) Before such water supply district shall establish a diversion point, construct the canals, pumping plants and other works herein provided for, it shall present to the Board of Water Engineers of the State of Texas, or such other agency performing the functions now performed by the Board of Engineers, plans and specifications of the same and obtain the approval of such Board.

Sec. 10. Governing Body. The governing body of such districts shall consist of a Board of Directors

composed of one member from each district, who shall hold office for one year beginning on the first day of March of each year and until his successor shall be elected and qualified. Directors shall have the qualifications provided by law for a director of a water improvement district or a water control and improvement district or irrigation district and the manager of any water improvement district or water control and improvement district or irrigation district, if otherwise qualified, may serve as a member of the Board of Directors of the water supply district.

Sec. 11. Election of Directors. The Board of Directors of each member district shall as soon as convenient after the establishment of the water supply district, and thereafter annually in February of each year, elect a member of the Board of Directors of said water supply district and such director may be removed at any time by said electing Board of Directors with or without cause.

Sec. 12. Oath and Bond. Each director shall give a good bond in the penal sum of \$5,000.00 payable to the water supply district and conditioned upon the faithful performance of his duties. Said bond shall be approved by the Board of Directors of the water supply district. Each director shall take the oath of office prescribed by statute for the members of the county commissioners court, except that the name of the district shall be substituted for the name of the county. Said bond and oath shall be filed with the clerk of the county wherein lie the largest acreage of the lands of the district and by him recorded in the official bond records of said county. Said bond shall then be delivered by the county clerk to the district depository and shall be by it safely kept as part of the records of the district.

Sec. 13. Organization of Board. At the first meeting after the establishment of the district and thereafter at its first meeting in March of each year, the Board of Directors shall organize by electing one of their members president and another secretary. The Board shall make rules providing for its meetings and the transaction of all business not in conflict with this Act, and shall

adopt an official seal. If any Board of Directors shall consist of an even number of members and a vote on any matter shall result in a tie, the Board of Directors may submit the matter voted upon to the county judge of the county containing the largest acreage of the lands embraced within the district, and such county judge shall cast the deciding vote in such matter.

Sec. 14. Compensation of Directors. Each director shall receive \$5.00 per day for the days actually engaged in the service of the district, plus mileage at 5 cents per mile each way for each mile computed from the residence of the director as the place of meeting by the most direct route.

Sec. 15. Power to Borrow Money. Such water supply district shall have the power, acting through their Board of Directors, to borrow money for any purpose necessary or convenient to carry out the powers granted by this Act and to issue negotiable notes, warrants, bonds, or other evidences of indebtedness for same; provided that such evidences of indebtedness shall be secured only by a lien on the physical properties belonging to such district and/or by a pledge of the revenues derived by said district from its contracts with water users or users of electricity, and provided that no tax shall ever be levied against the taxable property in said district to pay such evidences of indebtedness or the debt evidenced by the same. Such evidences of indebtedness as shall mature within one year from the date thereof may bear interest not to exceed 8% per annum. All others shall bear interest not to exceed 6% per annum.

The governing body of such water supply districts may issue coupon bonds in the name of such district payable serially over a period not to exceed forty years from the date thereof, bearing interest not to exceed 6 per cent per annum, interest payable annually or semi-annually as provided in the bond order, said bonds to be signed by the president and attested by the secretary of the Board of Directors of such district, sealed with the official seal, interest coupons to bear the fac-simile signatures of the president and secretary of the Board of Directors, said bonds to be of the denomination,

date, maturities and payable at the place specified in the bond order and said bonds shall be payable from and secured by a lien upon all the physical properties of said water supply district and a lien upon the rents and revenues of said district, which liens may be further evidenced by a deed of trust or mortgage, which may be contained in the bond order. In such bond order the board of directors shall appropriate and set aside a sufficient amount of the rents and revenues of such district to pay the interest and create a sinking fund sufficient to pay said bonds and the interest coupons thereon as they severally mature, which interest and sinking fund shall be placed in the official depository and applied solely for the purpose for which the same was created; provided, however, that said interest and sinking funds may be invested by the board of directors in the manner now provided by law for the sinking funds under the jurisdiction of the commissioners court.

The legality of said bonds shall be evidenced by a transcript, which shall contain a certified copy of the proceedings incorporating such water supply district; the bond order authorizing the issuance of said bonds; certificate of indebtedness; financial statement and non-litigation certificate, which transcript and bonds shall be submitted to the Attorney General of Texas for approval, and when so approved, shall be registered with the Comptroller of the State of Texas. When so approved and registered, said bonds shall be negotiable upon delivery and be binding only upon and payable only from the physical properties and rents and revenues of such district. All evidences of indebtedness of such district shall provide therein that said indebtedness shall never become an obligation of the member districts.

Sec. 16. Depositories. The depository or depositories of such district shall be selected in the manner now provided by law for the election of county depositories.

Sec. 17. Self Liquidating. Such water supply districts are hereby declared to be self liquidating in character and are expressly authorized to borrow money from or sell said

bonds or other evidences of indebtedness to the Reconstruction Finance Corporation or other agencies of the United States or the State of Texas or to any other purchasers; provided said bonds shall not be sold for less than 90 per cent of their par value, together with the accrued interest thereon to date of delivery.

Sec. 18. Not Affect Water Rights or Priorities. Nothing in this Act shall be construed as affecting any water rights of any member district, or any water user or any lands therein or supplied directly or indirectly thereby or their existing priorities in the rights to water from the source of supply and neither the formation of the water supply district hereunder nor a contract for the purchase of water with such water supply district shall ever be held to be an abandonment or waiver of said rights or an abandonment of the original point of diversion from the source of supply but all such rights existing at the time of the formation of such district shall be preserved to such member district and such water users.

Sec. 19. If any provision hereof shall be held to be unconstitutional, it shall not affect the validity of the other provisions of this Act.

Sec. 20. Emergency Clause. The fact that there is now no general law providing for water supply districts which have no taxing power and are self liquidating in character, creates an emergency and an imperative public necessity, that the constitutional rule, requiring bills to be read on three several days, be and the same is hereby suspended and that this Act shall take effect and be in force from and after the passage thereof, and it is so enacted.

Committee Room,

Austin, Texas, April 1, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 98 (Making appropriations for the State institutions of

higher learning for the two fiscal years ending August 31, 1935).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass and be not printed, but that Committee Substitute for S. B. No. 98 herewith submitted do pass and be printed in lieu of the original bill.

HOLBROOK, Chairman.

C. S. S. B. No. 98.

A BILL

To Be Entitled

An Act making appropriations for the support, maintenance, operation, and improvement of the State institutions of higher learning for the two fiscal years beginning September 1, 1933, and ending August 31, 1935, prescribing certain restrictions concerning the expenditure of said appropriations, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all balances in the institutional funds of the several institutions named in this Act, at the close of the fiscal year ending August 31, 1933, including balances in their revolving funds at that time, and the entire income to said funds during each of the two fiscal years ending August 31, 1934, and August 31, 1935, which are not otherwise appropriated for either or both of said fiscal years, are hereby appropriated for the support, maintenance, operation and improvement of said institutions during each of the said fiscal years ending August 31, 1934, and August 31, 1935, respectively.

Sec. 2. That the several sums of money specified in this section, or so much thereof as may be necessary, are hereby appropriated out of any funds in the State Treasury not otherwise appropriated to the several institutions indicated and for the purposes specified for each of the fiscal years ending August 31, 1934, and August 31, 1935, respectively, as follows:

THE AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS

There is hereby appropriated to the Agricultural and Mechanical College of Texas, out of the Available University Fund, the sum of \$200,000 for the year beginning September 1, 1933, and ending August 31, 1934, and one-third of all the Available University Fund received from the Permanent University Fund arising from the 1,000,000 acres of land appropriated by the Constitution of 1876 and the land appropriated by the Act of 1883, except income from grazing leases on University Lands (less its proportion of expenses of administration and excluding any expenses of administration from grazing leases) for the year beginning September 1, 1934, and ending August 31, 1935. Out of this appropriation from the Available University Fund there shall be expended, for each year of the biennium, beginning September 1, 1933, and ending August 31, 1935, not to exceed:

\$80,000 for the payment of interest on bonds issued by the Board of Directors; \$100,000 for the first year and \$150,000 for the second year of the biennium to pay a part of the hereinafter listed appropriations for salaries and departmental and general maintenance; the residue, if any, of the above amounts appropriated to the Agricultural and Mechanical College from the Available University Fund shall be expended for permanent improvements, equipment, repairs, and physical plant operation and maintenance.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Main College.		
Salaries	\$ 465,721.00	\$ 465,721.00
Summer School	15,937.00	15,937.00
Departmental Maintenance and Equipment	75,000.00	75,000.00
General Maintenance and Miscellaneous	75,000.00	75,000.00
Total, Main College	\$ 631,658.00	\$ 631,658.00
TEXAS AGRICULTURAL EXPERIMENT STATIONS AND SUB-STATIONS.		
Salaries	\$ 41,576.00	\$ 41,576.00
Maintenance and Miscellaneous	106,902.00	106,902.00
Sub-Stations	102,348.00	102,348.00
Total	\$ 250,826.00	\$ 250,826.00
Extension Service.		
Salaries	\$ 185,910.00	\$ 185,910.00
Maintenance and Miscellaneous	13,125.00	13,125.00
Total Extension Service	\$ 199,035.00	\$ 199,035.00
Rodent Control Service.		
Salaries and Miscellaneous	\$ 10,350.00	\$ 10,350.00
Texas Forest Service.		
Salaries	\$ 37,687.00	\$ 37,687.00
Maintenance and Miscellaneous	10,917.00	10,917.00
Total	\$ 48,604.00	\$ 48,604.00
Grand Total, Agricultural and Mechanical College	\$ 1,140,473.00	\$ 1,140,473.00
To be paid from the appropriation made from the Available University Fund to the Agricultural and Mechanical College, as hereinbefore provided	\$ 100,000.00	\$ 150,000.00
To be paid from the General Revenue Fund, not to exceed	1,040,473.00	990,473.00

PRAIRIE VIEW STATE NORMAL AND INDUSTRIAL COLLEGE.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Salaries	\$ 89,160.00	\$ 89,160.00
Summer school	3,825.00	3,825.00
Departmental Maintenance and Equipment	18,000.00	18,000.00
General Maintenance and Miscellaneous	29,906.00	29,906.00
Improvements, Repairs and Buildings	6,000.00	6,000.00
Total	\$ 146,891.00	\$ 146,891.00

JOHN TARLETON AGRICULTURAL COLLEGE.

Salaries	\$ 131,527.00	\$ 131,527.00
Summer School	10,837.00	10,837.00
Departmental Maintenance and Equipment	10,818.00	10,818.00
General Maintenance and Miscellaneous	14,625.00	14,625.00
Improvements, Repairs and Buildings	7,650.00	7,650.00
Total	\$ 175,457.00	\$ 175,457.00

NORTH TEXAS JUNIOR AGRICULTURAL AND MECHANICAL COLLEGE.

Salaries	\$ 99,217.00	\$ 99,217.00
Summer School	7,650.00	7,650.00
Departmental Maintenance and Equipment	13,125.00	13,125.00
General Maintenance and Miscellaneous	11,588.00	11,588.00
Improvements, Repairs and Buildings	1,125.00	1,125.00
Total	\$ 132,705.00	\$ 132,705.00

THE UNIVERSITY OF TEXAS.

For the maintenance, support and direction of The University of Texas including the Medical Branch at Galveston, for the years beginning September 1, 1933 and ending August 31, 1935, all the Available University Fund. From said Available University Fund there shall be expended, for each of the two years of the biennium, not to exceed the following amounts:

\$160,000 for the payment of interest on bonds issued by the Board of Regents; \$5,000 for the expenses of the Board for Lease of University Lands; \$40,000 for geologizing, surveying and surface leasing of University lands; \$12,000 for operating an investment office; \$5,000 for the expenses of the Board of Regents; \$40,000 for supervision, gauging and auditing of oil and gas production; \$200,000 for the first year and one-third of all of the Available University Fund received from the Permanent University Fund arising from the 1,000,000 acres of land appropriated by the Constitution of 1876 and the land appropriated by the Act of 1883, except income from grazing leases from University lands (less its proportion of expenses of administration and excluding any expenses of administration from grazing leases) for the second year of the biennium to be expended by the Board of Directors for the maintenance, support and operation of the Agricultural and Mechanical College, as hereinbefore provided; \$60,000 to complete the payment for the land known as the Cavanaugh Tract; \$300,000 to pay a part of the hereinafter listed appropriations for salaries and departmental and general maintenance; the residue of said Fund, if any, shall be expended for permanent improvements, equipment, repairs, and physical plant operation and maintenance.

THE UNIVERSITY OF TEXAS.

Main University.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Salaries	\$ 857,268.75	\$ 857,268.75
Summer Session, Salaries and Maintenance	51,000.00	51,000.00
Departmental Maintenance	27,562.50	27,562.50
General Maintenance and Miscellaneous Items	68,175.00	68,175.00
Total, Main University	\$ 1,004,006.25	\$ 1,004,006.25

Medical Branch.

Salaries	\$ 147,247.50	\$ 147,247.50
Departmental Maintenance	16,687.50	16,687.50
General Maintenance and Miscellaneous Items	15,000.00	15,000.00
Total, Medical Branch	\$ 178,935.00	\$ 178,935.00

Extramural Divisions.

Research in Social Sciences	\$ 7,500.00	\$ 7,500.00
Bureau of Business Research	15,000.00	15,000.00
Bureau of Economic Geology	18,862.50	18,862.50
Bureau of Engineering Research	5,700.00	5,700.00
Bureau of Industrial Chemistry	4,800.00	4,800.00
Division of Extension	60,450.00	60,450.00

Total, Extramural Divisions	\$ 112,312.50	\$ 112,312.50
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Grand Total	\$ 1,295,253.75	\$ 1,295,253.75
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To be paid from the Available University Fund, as hereinbefore provided	\$ 300,000.00	\$ 300,000.00
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To be paid from the General Revenue Fund, not to exceed	\$ 995,253.75	\$ 995,253.75
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Salary of Miss Lavinia Harville, assistant in the library at the University of Texas, and the committee recommends that she be retained in this position during her natural life	\$ 1,080.00	\$ 1,080.00
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COLLEGE OF MINES AND METALLURGY.

Salaries	\$ 56,245.00	\$ 56,245.00
Summer School	4,685.00	4,685.00
Departmental Maintenance and Equipment	10,465.00	10,465.00
General Maintenance and Miscellaneous	11,250.00	11,250.00
Improvements, Repairs and Buildings	1,500.00	1,500.00
Total	\$ 84,145.00	\$ 84,145.00

COLLEGE OF INDUSTRIAL ARTS.

Salaries	\$ 234,638.00	\$ 234,638.00
Summer School	19,125.00	19,125.00
Departmental Maintenance and Equipment	7,445.00	7,445.00
General Maintenance and Miscellaneous	24,375.00	24,375.00
Improvements, Repairs and Buildings	4,500.00	4,500.00
Total	\$ 290,083.00	\$ 290,083.00

TEXAS COLLEGE OF ARTS AND INDUSTRIES.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Salaries	\$ 92,790.00	\$ 92,790.00
Summer School	15,937.00	15,937.00
Departmental Maintenance and Equipment	6,994.00	6,994.00
General Maintenance and Miscellaneous	6,950.00	6,950.00
Improvements, Repairs and Buildings	1,300.00	1,300.00
Total	\$ 123,971.00	\$ 123,971.00

TEXAS TECHNOLOGICAL COLLEGE.

Salaries	\$ 273,825.00	\$ 273,825.00
Summer School	20,715.00	20,715.00
Departmental Maintenance and Equipment	17,250.00	17,250.00
General Maintenance and Miscellaneous	30,150.00	30,150.00
Improvements, Repairs and Buildings	1,600.00	1,600.00
Total	\$ 343,540.00	\$ 343,540.00

EAST TEXAS STATE TEACHERS COLLEGE.

Salaries	\$ 142,463.00	\$ 142,463.00
Summer School	31,875.00	31,875.00
Departmental Maintenance and Equipment	6,375.00	6,375.00
General Maintenance and Miscellaneous	11,250.00	11,250.00
Improvements, Repairs and Buildings	750.00	750.00
Total	\$ 192,713.00	\$ 192,713.00

NORTH TEXAS STATE TEACHERS COLLEGE.

Salaries	\$ 212,700.00	\$ 212,700.00
Summer School	47,812.00	47,812.00
Departmental Maintenance and Equipment	12,000.00	12,000.00
General Maintenance and Miscellaneous	12,375.00	12,375.00
Improvements, Repairs and Buildings	1,500.00	1,500.00
Total	\$ 286,387.00	\$ 286,387.00

SAM HOUSTON STATE TEACHERS COLLEGE.

Salaries	\$ 130,175.00	\$ 130,175.00
Summer School	22,315.00	22,315.00
Departmental Maintenance and Equipment	14,895.00	14,895.00
General Maintenance and Miscellaneous	12,375.00	12,375.00
Improvements, Repairs and Buildings	4,500.00	4,500.00
Total	\$ 184,260.00	\$ 184,260.00

SOUTHWEST TEXAS STATE TEACHERS COLLEGE.

Salaries	\$ 142,312.00	\$ 152,312.00
Summer School	28,687.00	28,687.00
Departmental Maintenance and Equipment	9,000.00	9,000.00
General Maintenance and Miscellaneous	12,370.00	12,370.00
Improvements, Repairs and Buildings	1,125.00	1,125.00
Total	\$ 193,494.00	\$ 193,494.00

STEPHEN F. AUSTIN STATE TEACHERS COLLEGE.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Salaries	\$ 107,790.00	\$ 107,790.00
Summer School	22,312.00	22,312.00
Departmental Maintenance and Equipment	6,900.00	6,900.00
General Maintenance and Miscellaneous	5,625.00	5,625.00
Improvements, Repairs and Buildings	2,550.00	2,500.00
Total	\$ 145,177.00	\$ 145,177.00

SUL ROSS STATE TEACHERS COLLEGE.

Salaries	\$ 58,597.00	\$ 58,597.00
Summer School	15,937.00	15,937.00
Departmental Maintenance and Equipment	9,600.00	9,600.00
General Maintenance and Miscellaneous	11,475.00	11,475.00
Improvements, Repairs and Buildings	4,050.00	4,050.00
Total	\$ 99,659.00	\$ 99,659.00

WEST TEXAS STATE TEACHERS COLLEGE.

Salaries	\$ 136,912.00	\$ 136,912.00
Summer School	22,312.00	22,312.00
Departmental Maintenance and Equipment	8,250.00	8,250.00
General Maintenance and Miscellaneous	15,750.00	15,750.00
Improvements, Repairs and Buildings	2,812.00	2,812.00
Total	\$ 186,036.00	\$ 186,036.00

Sec. 3. The foregoing sums are appropriated with the following provisos:

(1) No salary paid to a teacher or other employee of any educational institution shall exceed 75% of the maximum amount paid for the same position during either year of the biennium ending August 31, 1933, except as otherwise provided; providing that full time employees on twelve (12) months' basis may receive not more than \$250.00 for correspondence course and/or extension center teaching, and may not be paid additional money for summer school teaching and provided that full time employees on a nine months' basis may be paid for correspondence and/or extension center teaching or summer school or other services during the remaining three months of the fiscal year, but he may not receive more than \$250.00 per annum for correspondence course teaching during the fiscal year and/or extension center work during the nine months; provided that the vacancies in positions heretofore filled may be filled by promotion of suitable persons now on the staff or by appointment of new persons at salaries not to exceed 75% of the amounts hitherto paid the persons for rendering the same or similar services.

(2) Provided further that such employees as are on a nine months' basis of employment, whose services are continued in summer school work, shall be entitled to be paid a salary or remuneration on a basis not to exceed 75% of the salary paid for the same or similar services of the long session, and said salary schedule shall prevail as to all additions made to the summer school staff of the several institutions.

(3) Provided further that the governing boards of each of the several institutions herein appropriated for, after the close of each fiscal year of the biennium shall file with the Board of Control and Governor an itemized schedule of salaries paid to employees out of the foregoing appropriations. Said schedule shall reflect in detail how the funds herein appropriated have been spent and shall be filed within ninety days after the close of each fiscal year.

(4) Provided that all institutions of higher learning in Texas for which appropriations have been made in this Act shall keep their financial

accounts in accordance with the recommendations of the National Committee on Standard Reports for Institutions of Higher Education, a committee appointed by the United States Commissioner of Education, and shall, within ninety days after the close of each fiscal year, file with the Governor and the State Board of Control printed financial reports set up in accordance with the forms recommended by said committee in its publication entitled "Suggested Forms for Financial Reports of Colleges and Universities."

(5) Provided that no property belonging to any institution for which an appropriation is provided for in this bill shall be sold or disposed of without the consent of the governing board of said particular institution, and all proceeds from the sale of any such property, or from labor performed, shall become a special support and maintenance or contingent fund of said institution to be expended under the direction of the governing board of said particular institution as said board may deem proper.

(6) Provided further that none of the moneys herein appropriated shall be paid to any employee of any of the aforesaid institutions by the State Comptroller until such employee has filed with the Comptroller an affidavit showing that no other member of his or her immediate family is employed in any department or agency or the State government, or is a member of, or an employee of any of the appellate courts of the State, if such immediate relative's salary is in excess of \$95.00 per month. By the term "immediate family" is meant husband and wife and their minor children.

(7) Provided further that no portion of the funds herein appropriated for the support and maintenance of said institutions of higher learning shall be paid to any employee of said institutions, whose services in whole or in part are in connection with the training, teaching or coaching of any inter-collegiate contestant or contestants in athletic games.

Sec. 4. The fact that the above and foregoing is one of the regular appropriation bills to pay the salaries of officers, teachers, employees, and to pay other expenses of maintaining and conducting certain educational institutions of the State for the two fiscal years beginning September 1, 1933 and ending August 31, 1935, creates a necessity for the expediting of the passage of this appropriation bill, and, therefore, creates an emergency and imperative public necessity which demands that the rule requiring bills to be read on three several days be suspended, and this Act shall become effective from and after its passage, and it is so enacted.

RECAPITULATION.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Agricultural and Mechanical College	\$ 531,658.00	\$ 531,658.00
A. & M. Experiment Station System.....	250,826.00	250,826.00
A. & M. Extension Service.....	199,035.00	199,035.00
A. & M. Rodent Control Service.....	10,350.00	10,350.00
A. & M. Forestry Service.....	48,604.00	48,604.00
Prairie View Normal & Industrial College ..	146,891.00	146,891.00
John Tarleton Agricultural College.....	175,457.00	175,457.00
North Texas Junior Agricultural College ..	132,705.00	132,705.00
University of Texas (Main) Austin.....	1,004,006.25	1,004,006.25
University, Medical Branch	178,935.00	178,935.00
University, Extra Murals Division	112,312.50	112,312.50
Library Assistant	1,080.00	1,080.00
College of Mines and Metallurgy.....	84,145.00	84,145.00
College of Industrial Arts	290,083.00	290,083.00
Texas College of Arts and Industries.....	123,971.00	123,971.00
Texas Technological College	343,540.00	343,540.00
East Texas State Teachers College	192,713.00	192,713.00
North Texas State Teachers College	286,387.00	286,387.00
Sam Houston State Teachers College.....	184,260.00	184,260.00
Southwest Texas State Teachers College....	193,494.00	193,494.00

	For the Years Ending	
	August 31,	August 31,
	1934	1935
Stephen F. Austin State Teachers College	145,177.00	145,177.00
Sul Ross State Teachers College	99,659.00	99,659.00
West Texas State Teachers College	186,036.00	186,036.00
Grand Total	\$ 5,021,324.75	\$ 5,021,324.75
Combined Grand Total	\$10,042,649.50*	

*\$850,000.00 of this grand total for the biennium is to be paid from The University of Texas Available Fund.

In Memoriam

Luther Nickels

SENATE SIMPLE RESOLUTION NO 84.

Senator Holbrook delivered the following memorial to the Senate:

A tower has fallen—a star has set. Those sentinels of the Law and the Constitution which have been established by orderly process in this State have lost one of their valiant defenders. When, on night before last, Luther Nickels quit his battles here to answer present before the Supreme Judge of all mankind, the Bench and Bar of Texas were made poor indeed.

Reared on a farm near the little village of Mount Calm, Hill County, Texas, where he was born some fifty years ago, he early imbibed the sturdy spirit of the pioneers who settled in that part of Texas, and with perseverance and industry, he obtained such education as the common schools of his day could afford. After that, he came to The University of Texas, where in company with many other boys of similar mold and character, he worked his way through, and became one of the most distinguished alumni of the Law Department of that institution. It was the privilege and pleasure of the author of this short memorial to be his classmate there, and I never knew a student who gave his time and attention more devotedly to the courses laid out before him. He was not considered as brilliant nor as polished as some of his fellow students, but when it came to a test of ability and thorough understanding of the law, there were none to exceed Luther in this respect.

He was a member of the Athenaeum Literary Society, and the writer was a member of the Rusk, and my observation of him in presenting subject matter in joint debates between these two societies led me to observe in him one who would become outstanding in the public affairs of the State. In this I have not been disappointed. Soon after he left the University to enter the practice of law, he was elected a member of the Legislature and served with unusual distinction in that body. After this, he established himself in the practice of law in Eastland, Texas, where he was successful. He became a partner in the practice of law with the late Senator Joseph Weldon Bailey, at Dallas, Texas, which partnership continued until Senator Bailey's death, and which has been carried on up to this time under the same name by Mr. Nickels and Joseph Weldon Bailey, Jr., except for a few years in which he was a member of the Commission of Appeals to the Supreme Court of Texas.

It was the privilege of Luther Nickels to be engaged in many legal controversies arising in this State, the final adjudication of which rested with the Supreme Court of the United States. Notable among these cases was the attack made by him on the validity of the power of the Governor to declare martial law in East Texas last year. A reading of the decisions of the various courts in this case is convincing that the judges followed and agreed with the line of argument of Mr. Nickels and his presentation of the law in nearly every instance. When he served as a judge on the Commission of Appeals to the Supreme Court, he had occasion to write many opinions, each of which reflect great legal ability and the power to discern in an original manner what the law should be in rendering his decisions.

Judge Nickels reflected great credit upon the Bar and Bench in the various capacities in which he served, and it seemed to me he had as clear a legal mind as any practitioner I ever knew. He did not obtain this keen knowledge of the law by any trait he might have possessed from the standpoint of genius. All he accomplished was by hard and grinding work. He always plodded along slowly but cautiously, and it did not take opposing counsel long to find out that he had met with a real adversary, but a fair one.

Brave, courageous, and kind—with it all, Luther Nickels pursued his way among men and with his brethren at the Bar with the sole thought of administering and enforcing the laws as they had been written. At the height of a professional career unsurpassed by any man of his age in this State, he has left these scenes and joined the ranks of our great immortals. It seems a tragedy that a life so fraught with usefulness should be closed when at its zenith of power, but such are the mysterious ways of God, and we bow in submission to His command. Now, therefore, be it

Resolved by the Senate of Texas, That this simple memorial tribute be printed on a special page in the Journal as representing our affection for Judge Nickels as he walked among us; that a copy of same be sent to his wife and members of his family; and that when the Senate adjourns for the day, it do so in his honor.

HOLBROOK,
BECK,
BLACKERT,
COLLIE,
COUSINS,
DeBERRY,
DUGGAN,
FELLBAUM,

GREER,
HOPKINS,
HORNSBY,
MARTIN,
MOORE,
MURPHY,
NEAL,
ONEAL,

PACE,
PARR,
PATTON,
POAGE,
PURL,
RAWLINGS,
REDDITT,
REGAN,

RUSSEK,
SANDERFORD,
SMALL,
STONE,
WOODRUFF,
WOODUL,
WOODWARD,
WITT, Lt. Gov.

Read and adopted unanimously by a rising vote.